

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

DARYL B. SETTLE, SP 2012-MA-009 Appl. under Sect(s). 8-918 of the Zoning Ordinance to permit an accessory dwelling unit within an existing dwelling. Located at 4114 Faith Ct., Alexandria, 22311, on approx. 8,750 sq. ft. of land zoned R-3 (Cluster). Mason District. Tax Map 61-4 ((38)) 11. Mr. Hart moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on May 23, 2012; and

WHEREAS, the Board has made the following findings of fact:

1. The applicant is the owner of the land.
2. The Board has a staff report recommending approval.
3. There is no opposition to it.
4. The Board has two sets, a proposed development condition set and an alternative proposed development set. Staff is recommending the set which is Appendix 1, which is only slightly different from what the Board usually does.
5. Given the limitations in the development conditions, that this is only going to be for a five-year period, that whoever has the house, whether it is Mr. Settle or its purchasers or someone living in the apartment, one or the other is going to have to be over 55 or disabled.
6. The parking all has to be onsite.
7. The Board has not done it before this way, but is comfortable with, at least on these facts and the explanation the Board has gotten, with going with letting the permit run with the land for five years instead of just this applicant or family members.
8. With the imposition of the development conditions, the potential impacts on the neighborhood have been mitigated.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit for the kitchen components of the accessory dwelling unit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. A copy of this special permit **SHALL BE POSTED in a conspicuous place in the accessory dwelling unit** and made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
3. The occupants of the principal dwelling and the accessory dwelling unit shall be in accordance with Par. 5 of Sect. 8-918 of the Zoning Ordinance which states in part that one of the dwelling units shall be occupied by a person or persons who qualify as elderly (55 years of age or older) and/or permanently and totally disabled.
4. The accessory dwelling unit shall contain a maximum of 1,471 square feet, and the layout shall be generally as depicted on the floor plan included as Attachment 1 to these conditions.
5. The accessory dwelling unit shall contain a maximum of two bedrooms for a maximum of two persons.
6. All applicable permits and final inspections shall be obtained for the kitchen components of the accessory dwelling unit within 120 days of approval of this special permit application.
7. Provisions shall be made for the inspection of the property by County personnel during reasonable hours upon prior notice and the accessory dwelling unit shall meet the applicable regulation for building, safety, health and sanitation.
8. The accessory dwelling unit shall be approved for a period of five (5) years from the final approval date of the special permit and may be extended for five (5) year periods with prior approval of the Zoning Administrator in accordance with Section 8-012 of the Zoning Ordinance.
9. All parking shall be provided on site as shown on the special permit plat.

This approval, contingent on the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

Ms. Gibb seconded the motion, which carried by a vote of 5-0. Mr. Beard and Mr. Hammack were absent from the meeting.

A Copy Teste:

K.A. Knoth

Kathleen A. Knoth
Clerk to the Board of Zoning Appeals

ACKNOWLEDGEMENT

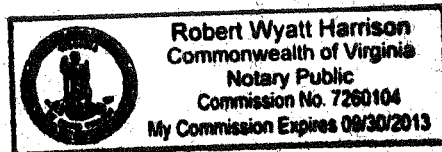
County of Fairfax
Commonwealth of Virginia

The foregoing instrument was acknowledged before me this 30 day of

May, 2012.

Robert Wyatt Harrison
Notary Public

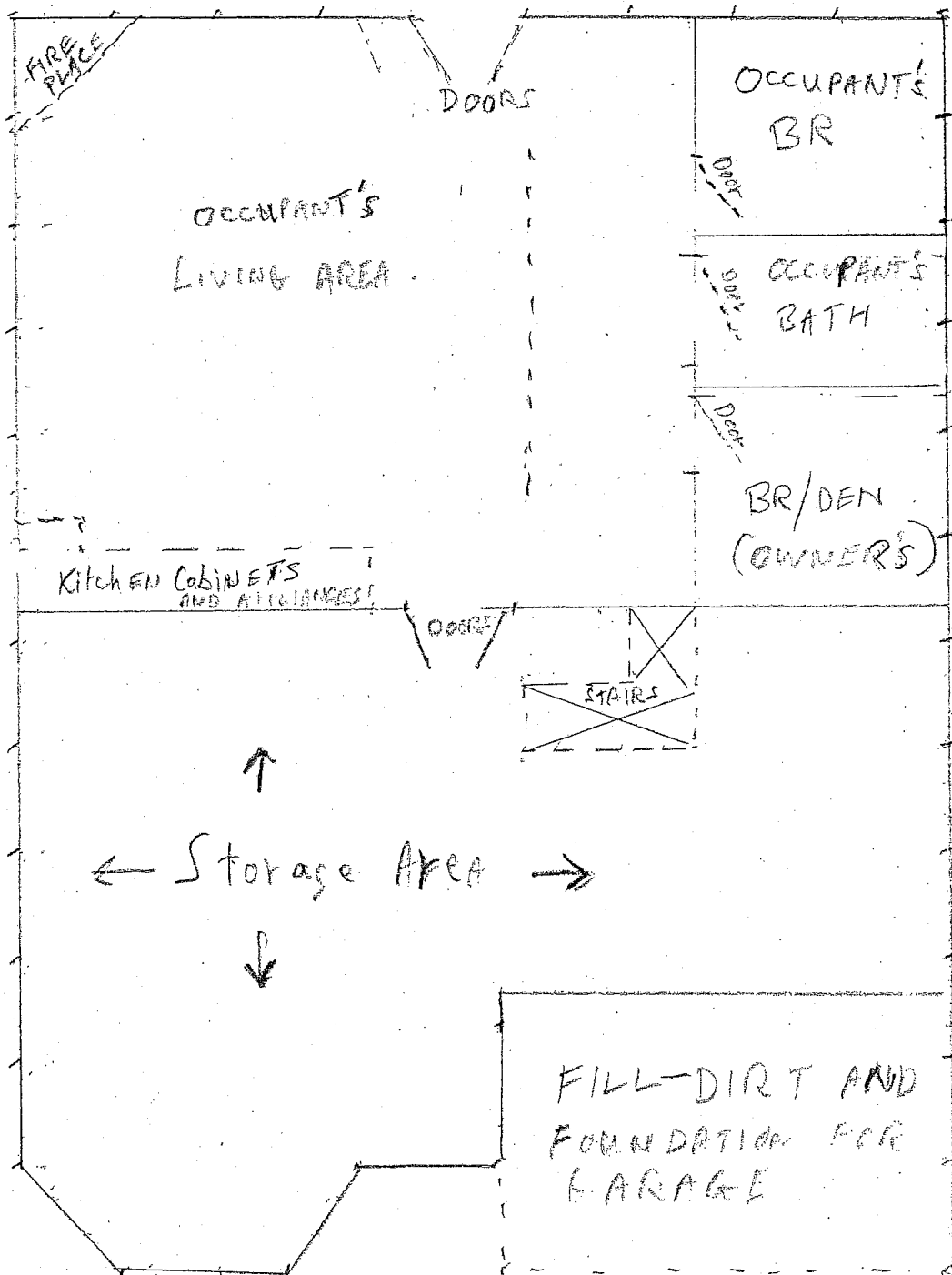
My commission expires: 9-30-2013



BASEMENT LEVEL

4114 FAITH CT

(TOTAL LIVING AREA 1,471 ft²)



← APPROXIMATELY 38 ft. of curb PARKING →

← (TO DAVES AVENUE) FAITH CT.